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3:02-CR-02912 USA V. SHAH

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CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

BY: DEPUTY

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

July 2002 Grand Jury

UNITED STATES OF AMERICA, Plaintiff, v. SYED MUSTAJAB SHAH (1), aka Syed Saadar Ali Shah, aka Badshah Khan, aka Syed Saadat Ali Faraz, aka Shajee, MUHAMMED ABID AFRIDI (2), aka Sunny aka Saifullah Durrani, ILYAS ALI (3), Defendants.	Criminal Case No. '02 CR 2912 L INDICTMENT Title 21, U.S.C., Secs. 846 and 841(a) - Conspiracy to Distribute Heroin and Hashish; Title 21, U.S.C., Secs. 952, 960 and 963 - Conspiracy to Import Heroin and Hashish; Title 18, U.S.C., Sec. 2339B - Providing Material Support to Terrorists

The grand jury charges:

Count 1

Beginning at a date unknown and continuing up to and including September 20, 2002, within the Southern District of California, and elsewhere, defendants SYED MUSTAJAB SHAH, aka Syed Saadar Ali Shah, aka Badshah Khan, aka Syed Saadat Ali Faraz, aka Shajee, MUHAMMED ABID AFRIDI, aka Sunny, aka Saifullah Durrani, and ILYAS ALI did knowingly and intentionally conspire together and with each other and with other

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persons known and unknown to distribute 1 kilogram and more of heroin, a Schedule I Controlled Substance, and 1,000 kilograms and more of hashish, a Schedule I Controlled Substance; in violation of Title 21, United States Code, Section 841(a)(1).

OVERT ACTS

In furtherance of the above conspiracy and to effect and accomplish the objects thereof, the following overt acts, among others, were committed within the Southern District of California, and elsewhere:

1. On or about April 11, 2002, within the Southern District of California, defendant ILYAS ALI, acting on behalf of defendants SYED MUSTAJAB SHAH and MUHAMMED ABID AFRIDI, negotiated with an undercover law enforcement officer for the sale of ton quantities of hashish and multiple kilogram quantities of heroin.

2. On or about September 15, 2002, defendants SYED MUSTAJAB SHAH, MUHAMMED ABID AFRIDI and ILYAS ALI traveled from Karachi, Pakistan, to Hong Kong, People's Republic of China, to meet with undercover law enforcement officers from the United States and to negotiate for the sale of ton quantities of hashish and multiple kilogram quantities of heroin.

3. On or about September 16, 2002, at a hotel in Hong Kong, People's Republic of China, defendants SYED MUSTAJAB SHAH, MUHAMMED ABID AFRIDI and ILYAS ALI negotiated with undercover law enforcement officers from the United States for the sale of 5 metric tons of hashish and 600 kilograms of heroin.

4. On or about September 16, 2002, at a hotel in Hong Kong, People's Republic of China, defendants SYED MUSTAJAB SHAH, MUHAMMED ABID AFRIDI and ILYAS ALI agreed that the purchase price of the 5 metric tons of hashish and 600 kilograms of heroin could be offset against the cost of 4 "Stinger" anti-aircraft missiles, which the defendants stated they were interested in purchasing from the undercover law enforcement officers.

5. On or about September 18, 2002, at a hotel in Hong Kong, People's Republic of China, defendants SYED MUSTAJAB SHAH, MUHAMMED ABID AFRIDI and ILYAS ALI told undercover law enforcement officers from the United States that they intended to sell the "Stinger" anti-aircraft missiles discussed during the meeting on September 16, 2002, to members of the Taliban, an organization which the defendants indicated was the same as Al-Qaeda.

All in violation of Title 21, United States Code, Section 846.

Count 2

Beginning at a date unknown and continuing up to and including September 20, 2002, within the Southern District of California, and elsewhere, defendants SYED MUSTAJAB SHAH, aka Syed Saadar Ali Shah, aka Badshah Khan, aka Syed Saadat Ali Faraz, aka Shajee, MUHAMMED ABID AFRIDI, aka Sunny, aka Saifullah Durrani, and ILYAS ALI did knowingly and intentionally conspire together and with each other and with other persons known and unknown to import 1 kilogram and more of heroin, a Schedule I Controlled Substance, and 1,000 kilograms and more of hashish, a Schedule I Controlled Substance, into the United States from a place outside thereof; in violation of Title 21, United States Code, Sections 952 and 960.

OVERT ACTS

In furtherance of the above conspiracy and to effect and accomplish the objects thereof, the overt acts alleged in Count 1, realleged herein by reference, among others, were committed within the Southern District of California, and elsewhere.

All in violation of Title 21, United States Code, Section 963.

Count 3

Beginning at a date unknown and continuing up to and including September 20, 2002, within the Southern District of California, and elsewhere, and subject to the jurisdiction of the United States, defendants SYED MUSTAJAB SHAH, aka Syed Saadar Ali Shah, aka Badshah Khan, aka Syed Saadat Ali Faraz, aka Shajee, MUHAMMED ABID AFRIDI, aka Sunny, aka Saifullah Durrani, and ILYAS ALI did knowingly and intentionally attempt and conspire together and with each other and with other persons known and unknown to provide material support and resources to a foreign terrorist organization, to wit, Al-Qaeda; in violation of Title 18, United States Code, Sections 2339B(a)(1) and (d).

OVERT ACTS

In furtherance of the above conspiracy and to effect and accomplish the objects thereof, the overt acts alleged in Count 1, realleged herein by reference, among others, were committed within the Southern District of California, and elsewhere.

DATED: October 30, 2002.

A TRUE BILL:

[signature]

Foreperson

CAROL C. LAM
United States Attorney

By: [signature]
TODD W. ROBINSON
Assistant U.S. Attorney